IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
(Case No. 98-385-H)

PATENT

In re Application of: Hauptmann et al.)	
)	
Serial No.: 09/899,422)	Before the Examiner: E. O'Hara
)	
Filed: July 3, 2001)	Group Art Unit: 1646
)	
For: TNF Receptors, TNF Binding)	
Proteins and DNAs Coding For Them)	

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

RESPONSE TO OFFICE ACTION MAILED JUNE 2, 2004

Responsive to the Office Action, mailed June 2, 2004, Applicants respectfully request reconsideration of the above-identified application in view of the following remarks. Claims 1, 23, 41, 42, 45-48, and 50-53 are now pending in the instant application.

1.   **Rejection of claims 1, 23, 41, 42, 45-48, and 50-53 for obviousness-type double patenting**

The Action maintains the rejection of claims 1, 23, 41, 42, 45-48, and 50-53 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 33 and 34 of U.S. Patent No. 6,271,346. Applicants file herewith a Terminal Disclaimer pursuant to the provisions of 37 C.F.R. §1.321(c), and respectfully submit that said Disclaimer overcomes the asserted ground of rejection. Withdrawal of this rejection is therefore respectfully solicited.

The Action also maintains the provisional rejection of claims 1, 23, 41, 42, 45-48, and 50-53 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 27-76 of copending U.S. Application No. 09/792,356. Applicants note that if the Terminal Disclaimer described above is deemed sufficient to overcome the double patenting rejection based on